

**CAs. No. 75/2017, 76/2017 & 85/2017  
IN  
CP (CAA) NO. 02/Chd/Pb/2017**

M/s. Fortis Healthcare Ltd. and Ors.. ...Applicant-companies  
AND  
Daiichi Sankyo Company Limited. ...Applicant-Intervener.

In the second motion petition filed in terms of Rule 15 of the (Compromises, Arrangements and Amalgamation) Rules, 2016, the fixed for hearing on 29.06.2017 and notice was directed to be in the newspapers and to be sent to the statutory authorities including Commissioner of Income Tax. The applicant-intervener Daiichi Sankyo Limited has filed CA No. 75/2017 raising objections to the 'Scheme'. It was contended by the Learned Senior Counsel for the intervener that the companies did not make full disclosures of the material facts to the members also to the members for the purposes of voting in the meetings fixed for the purpose apart from raising the other issues. Learned counsel for the companies, however, submitted that the objections to the Compromises and Arrangements can be made only by the persons holding not less than 10% of the equity capital or having outstanding debt amounting not less than 5% of the outstanding debt. It was submitted that the intervener is not among the

CAs. No. 75/2017 and 76/2017  
IN  
CP (CAA) NO. 02/Chd/Pb/2017

persons who can file objections and, therefore, the application should not be entertained.

I am of the view that CA No. 75/2017 should be disposed of along with the main petition which has been filed with the prayer for sanction of the 'Scheme'

Notice of motion. Mr. Gyanendra Kumar, Advocate accepts notice on behalf of petitioner-companies and submits that copy of the petition has already been supplied to him. Reply to the petition has been filed and copy of the reply has been received by the learned counsel for the intervener. The rejoinder to the reply, if any, be filed at least three days before the date fixed with copy advance to the counsel opposite. The learned counsel for the parties are directed to file their written submissions running into not more than 3-4 pages at least three days before the date fixed.

The intervener has also filed CA No. 85/2017. Notice of the same to the applicant-companies. Reply, if any, to this C.A. be filed at least three days before the date fixed.

The matter be listed for arguments now on 28.07.2017.

*Sd/-*

(Justice R.P. Nagrath)  
Member (Judicial)

July 07, 2017  
saini